

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 3035—RESEARCH AND DEVELOPMENT CONTRACTING

Subpart 3035.000—Scope of Part

Sec.

3035.003 Policy.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3035.000—Scope of Part

3035.003 Policy.

(b) Cost sharing shall be determined on a case by case basis. OEs may establish procedures for cost sharing.

(c) Recoupment shall be determined on a case-by-case basis. Recoupment not otherwise required by law should be structured to address factors such as recovering the Department's fair share of its investment in nonrecurring costs related to the items acquired. Advice of legal counsel shall be obtained prior to establishing cost sharing policies and recoupment mechanisms under (FAR) 48 CFR 35.003(b) and (c).

PART 3036—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 3036.2—Special Aspects of Contracting for Construction

Sec.

3036.201 Evaluation of contractor performance.

Subpart 3036.5—Contract Clauses

3036-570 Special precautions for work at operating airports.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3036.2—Special Aspects of Contracting for Construction

3036.201 Evaluation of contractor performance.

(a)(2) Performance reports shall be prepared and entered into the Contractor Performance System (CPS) on

an annual basis for contracts exceeding one year, or as otherwise required by (FAR) 48 CFR 36.201. Access to reports is through the CPS or the government-wide system, Past Performance Information Retrieval System (PPIRS).

Subpart 3036.5—Contract Clauses

3036.570 Special precautions for work at operating airports.

Where any acquisition will require work at an operating airport, insert the clause at (HSAR) 48 CFR 3052.236-70, Special Precautions for Work at Operating Airports, in solicitations and contracts.

PART 3037—SERVICE CONTRACTING

Subpart 3037.1—Service Contracts—General

Sec.

3037.103 Contracting officer responsibility.

3037.103-70 Contractor personnel access application.

3037.103-71 Conditional access to sensitive but unclassified information.

3037.104 Personal services contracts.

3037.104-70 Personal services contracts.

3037.104-90 Personal services contracts (USCG).

3037.104-91 Personal services with individuals under the authority of 10 U.S.C. 1091 (USCG).

3037.110-70 Solicitation provisions and contract clauses.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3037.1—Service Contracts—General

3037.103 Contracting officer responsibility.

3037.103-70 Contractor personnel access application.

Contractor personnel who will require recurring access to DHS facilities as part of contract performances shall complete HSIF Form 3237, Contractor Personnel Access Application, before starting work under the contract. The

completed form shall be submitted to the appropriate DHS office as designated in the contract. Contractor personnel may be required to complete additional forms, as necessary.

3037.103-71 Conditional access to sensitive but unclassified information.

Contractor personnel who will require access to sensitive but unclassified information as part of contract performances shall complete HSIF Form 4024, Sensitive Information Non-Disclosure Agreement, before starting work under the contract. The completed form shall be submitted to the appropriate DHS office as designated in the contract. Additional requirements are established in clause (HSAR) 48 CFR 3052.237-71, Information Technology Systems Access for Contractors.

3037.104 Personal services contracts.

3037.104-70 Personal services contracts.

(b)(i) Authorization to acquire the personal services of experts and consultants is included in Public Law 107-296, sections 832(1) and (2). This section includes authority to use personal service contracts without regard to the pay limitation of 5 U.S.C. 3109 when the services are necessary due to an urgent homeland security need.

(A) Prepare each D&F in accordance with (FAR) 48 CFR 1.7 and include a determination that—

(1) The duties are of a temporary or intermittent nature and not to exceed one year;

(2) DHS personnel with necessary skills are not available;

(3) Excepted appointment cannot be obtained;

(4) A nonpersonal services contract is not practicable;

(5) Statutory authority, Public Law 107-297, section 832(1) or section 832(2) and other legislation, apply;

(6) If the pay limitation of 5 U.S.C. 3109 is exceeded, the D&F supports the rationale; and

(7) Any other determination required by statutes has been made.

(B)(1) Except as provided in paragraph (b)(i)(B)(2) of this subsection, the COCO shall approve the D&F required by paragraph (b)(i)(A).

(2) The HCA shall approve the D&F for personal service contracts for experts and consultant services that are acquired without regard to the pay limitation of 5 U.S.C. 3109. This determination shall include a finding that the services are necessary due to urgent homeland security needs.

(i) The contract may provide for the same per diem and travel expenses authorized for a Government employee, including actual transportation and per diem in lieu of subsistence for travel between home or place of business and official duty station and only for travel outside the local area in support of the statement of work.

(ii) Coordinate benefits, taxes, personnel ceilings, and maintenance of records with the appropriate office(s).

3037.104-90 Personal services contracts (USCG).

(a) The U.S. Coast Guard HCA may enter into medical personal services contracts according to 10 U.S.C. 1091.

(b) The authority of 10 U.S.C. 1091(a)(2) expires December 31, 2003.

3037.104-91 Personal services contracts with individuals under the authority of 10 U.S.C. 1091 (USCG).

(a) Health care personal services contracts awarded to individuals shall be selected through procedures established in this section. Selections made using the procedures in this section are exempt by statute from (HSAR) 48 CFR part 3006 competition requirements (see (HSAR) 48 CFR 3006.9000 (USCG)) and from (FAR) 48 CFR Part 6 competition requirements.

(b) The contracting officer shall provide adequate advance notice of contracting opportunities to individuals residing in the area of the facility. The notice should include the qualification criteria against which individuals responding shall be evaluated. Contracting officers shall solicit offerors through the most effective means of seeking competition, such as a local publication, which serves the area of the facility. Acquisitions of health care services using personal services contracts are exempt from posting and synopsis requirements of (FAR) 48 CFR Part 5.